

REMARKS

Claims 10, 12, 23, 24, 26, 27, 33-35 have been amended and new claims 36 and 37 have been added. No claims have been canceled. Thus, claims 10-12, 14 17-19, and 22-37 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims view of the foregoing amendments and the following remarks.

Response to Objections to the Claims:

Claims 10 and 26 have been amended to incorporate suggestions of the Examiner and therefore Applicants respectfully request that the Examiner withdraw the claim objections.

Response to Rejections Under Section 102:

Claims 10-12, 14, 17-19, 22-35 stand rejected under 35 U.S.C § 102(b), the Examiner contending that these claims are anticipated by Coussement (US PGPub 2002/0114278).

The Examiner indicated in the Examiner's Answer mailed August 6, 2008 and phone conversation October 6, 2008 that Applicant could overcome this rejection by amended claim 10 from each component to each network component. Applicants have made such amendment. Thus, each network component comprises a communication unit, a memory, a processing unit, is addressable, is monitorable by each of the other network components and is equipped for monitoring each of the other components via the communication unit. Thus, each of Applicants network components can monitor and be monitored. In contrast, Coussement's agent station can only be monitored.

Applicants have further amended claim 10 to recite the state indicates an availability of the respective component (see e.g., para. 0003 and para. 0026). Thus, by monitoring the state of the respective component, unsuccessful call attempt can be avoided (see e.g., para. 0015). In contrast, Coussement discloses periodically polling [monitoring] of each agent station...for hardware and software capabilities". Thus, Coussement discloses periodic upgrading. Interpreting monitoring a state of the respective component as monitoring for hardware and software capabilities is inconsistent with Applicants' specification and the interpretation that those skilled in the art would reach. "During patent examination, the pending claims must be 'given their broadest reasonable interpretation consistent with the specification.' . . . The

broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach, MPEP 2111.

Furthermore, the Examiner states “A)... a memory to store an address of the monitoring component when the respective component is being monitored ...Coussement discloses multiple identifiers (i.e. telephone numbers [addresses]) and multiple storage/memory components that could store the address (par. 5)”. All words in a claim must be considered in judging the patentability of a claim against the prior art (MPEP 2173.06). However, the Examiner has ignored “to store an address of the monitoring component”. Merely having storage components and addresses does not teach or suggest all the limitations of the claim. Moreover, Coussement teaches the telephone number [address] is of the calling party (the party making the call) and not an address of the monitoring component.

In view of the above, claim 10 is not anticipated by Coussement. Likewise, independent claim 23 is not anticipated by Coussement. Furthermore, claims 11, 12, 14, 17-19, 22 and 33-35 which depends on claim 10 and claims 24-32 which depend on claim 23 are also patentable at least based on their dependency as well as based on their own merits. For example,

Claim 12 recites:

a maximum number of addresses stored is predetermined, each address stored is an address of a monitoring component

Claim 24 recites:

predetermining a maximum number of addresses of a monitoring component which can be stored in memory

The Examiner indicates that a storage device is found in Figures 1-6 and Par. 6 & 14 and states “it is inherent that a storage device will have a maximum number of addresses stored in it.” Applicants respectfully submit that memory inherently has a maximum storage capacity. However, not all memory will store an address, let alone an address of monitoring device and moreover have a maximum number of addresses which are predetermined. MPEP 2112 (IV) recites:

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that

it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' ”

New Claims 36 and 37:

New claims further define the scope of the invention as described in the specification and drawings. For example, claim 36 (see e.g., para. 0027) a monitoring component can prohibit being monitored by specific monitoring components. In view of the foregoing remarks regarding the other claims, Applicants respectfully submit claims 36 and 37 are patentable and requests allowance of claims 36 and 37.

Conclusion

Applicants respectfully request that the Examiner reconsider the objections rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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